## GOVERNMENT OF MYSORE.

## FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR).

*Labour Dispute.*—Industrial Dispute between the Workmen and the Management of the Executive Engineer (Electrical), S. R. S. Hubli.

Award of the Labour Court, Hubli—Published.

Read the following Papers :—

(1) Letter No. 1731/67-68, dated 14th December 1967, from Shri Syed Azizuddin Ahmed, Presiding Officer, Labour Court, Hubli.

### IN THE LABOUR COURT AT HUBLI

*Dated 4th December 1967.*

**Reference (ID) (LCH) No. 17 of 1967.**

**Present :**

Sri Syed Azizuddin Ahmed, M. A., B. L., Presiding Officer.

**Between**

The Workman of the Executive Engineer (Electrical) S. R. S. Hubli Sri S. Ramaswamy, Ex-wireman, No. 4001 H. E. C. P. Arigilwadi village, Talakkolam Post, Arkonam Taluk, North Arkot District.

.... *I party*

**and**

The Management, of The Executive Engineer (Electrical) S. R. S. Hubli.

... *II party.*

This is a reference U/s 10 (1) (c) of the Industrial Disputes Act 1947 made by the Government of Mysore in their Order No. LMA 358 LLD 66, dated 6th February 1967. The points of dispute specified in the order of reference are as under :

> Is the Management of the Hydro-Electric Construction Project, Munirabad (Present Management known as Executive Engineer (Electrical) S. R. S. Hubli,

justified in termination of the services of Sri S. Ramaswamy, Ex-wireman of the Project from 19th May 1963 ?

If not, to what relief is he entitled.

2 This is an individual dispute that has been raised by the delinquent. The reference was received on 9th February, 1967 and was registered as Reference (ID) (LCH) No. 17 of 1967. Notices were issued to the parties to file their pleadings. The I Party did not file any claim statement while the II Party filed a statement dated 3rd June 1967. The aggrieved workman appeared in person and filed a memo seeking adjournment for filing the claim statement. Sri D. Chandrakanthad appeared for the I Party. The aggrieved workman did not file the claim statement. The case was then fixed for hearing on 31st August 1967 at Hubli. On this date the delinquent workman Sri S. Ramaswamy did not appear in person. He sent an application seeking adjournment. In the interest of justice, the case was adjourned and the delinquent was given 20 days time to file his claim. He did not avail of this opportuntity. The case was then posted for hearing on 2nd December 1967 at Hubli. Sri K. G. Venkatkrishna, Accounts Superintendent appeared for the II Party. On this date also the delinquent did put in appearance. There was no one present on his behalf. He has addressed an un-stamped application to this Court from Arigilwadi village, Talakkolam post, Arkonam Tq., North Arcot District, that the case be transferred to the Labour Court, Bangalore. I have no jurisdiction to transfer the case to the Labour Court, Bangalore as is requested by the aggrieved workman.

3. The II Party in its pleading dated 1st March 1967 has stated that the delinquent was one of those who had laid down tools when urgent work was going on in the Generating Station at Munirabad. He had prevented loyal workers from attending to work and used abusive language to the officers. He was only a casual labourer engaged on daily wages and was liable to be dismissed at any time without notice. This statement has been filed by the Executive Engineer (Electrical) S. R. S. Division, Hubli. It stands unrebutted. If the delinquent workman had any genuine claim, he would have availed of the earliest opportunity to file the same in the Court.

4. There is yet another very important matter to be considered. As per the order of reference, the service of the aggrieved workman has been terminated on 19th May 1963. This would be the date of cause of action for the aggrieved workman. On this date he could not have raised an individual dispute. As per the law existing then, the discharge, dismissal could become the subject matter of an industrial dispute if the workmen in general or a section of the workmen had taken up his cause. He could have raised an industrial dispute. The delinquent workman cannot take advantage of the amended section 2 A of the Industrial Disputes Act, 1947, which has come into force from 19th November 1965 and which has no retrospective effect. In this view of the matter, the present dispute cannot be regarded as an industrial dispute.

## AWARD

The Reference is rejected. No order as to costs.

SYED AZIZUDDIN AHMED

*Presiding Officer,*

*Labour Court, Hubli.*

Place : Hubli

Date : 4-12-1967

## ORDER

Bangalore dated the 12th December 1967.

**S. O. 2427.**—WHEREAS by State Government Order No. LMA. 358 LLD 66, dated 6th February 1967 the Industrial Dispute between the Workmen and the Management of the Executive Engineer, (Electrical), S. R S. Hubli was referred to the Labour Court, Hubli for adjudication.

AND WHEREAS the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute ;

NOW, THEREFORE, in exercise of the powers conferred by section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 358 LLD 66.]

By Order and in the name of the Governor of Mysore,

1660 G. G. PUROHIT, *Under Secy.*